UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,840	03/07/2002	William Gabriel Pagan	RSW920010228US1	9436

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/092,840	PAGAN, WILLIAM GABRIEL
	Examiner	Art Unit
	Michael Roswell	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art.

Regarding claims 1 and 7, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, the software of the admitted prior art is stored and accessed through machine-readable storage.

Regarding claims 2 and 8, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, posts a window manipulation event to

the identified inactive open document window, and processes the posted window manipulation

event in a message handling routine associated with the inactive open document window,

allowing for the focus control change from the active window to the selected inactive window.

Inherently, the software of the admitted prior art is stored and accessed through machine-

readable storage.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claims 3-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's admitted prior art and Beaudet et al (US Patent 5,491,795), hereinafter Beaudet.

Regarding claims 3 and 9, the admitted prior art has been shown to teach a pre-defined

window manipulation operation for an inactive window selectable through a pull-down menu.

However, the admitted prior art fails to explicitly teach performing a window close

operation, print window operation, and a file save operation through the pull-down window.

Beaudet teaches a window management system wherein a window list is presented to

the user and through the manipulation of an interactive element allows for window management

operations such as moving, sizing, restoring and closing of windows represented in the window

list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. Furthermore,

while Beaudet does not explicitly teach the use of a print window or file save operation through

the disclosed window management system, such operations are well-known window and file

operations and would be obvious to include in the window management of Beaudet, such as in

the right-click menu of Microsoft Internet Explorer, that allows the user to print or save a

displayed file. The Examiner takes OFFICIAL NOTICE of these teachings.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of the admitted prior art and Beaudet before him at the time the invention was made

to modify the pre-defined window manipulation through pull-down menus of the admitted prior

art with the interactive window list control system of Beaudet, along with the obvious print and

save functions, in order to obtain a pull-down menu listing windows capable of being operated

upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down

menu presents a list of windows to the user, as does the window control management system of

Beaudet. Therefore, in order to save space on screen and allow for an easily accessible

window menu, one would be motivated to combine the admitted prior art and Beaudet.

Regarding claim 4, the admitted prior art teaches a pull-down menu disposed in an

active open document window, a list of open document windows disposed in the pull-down

menu, and a set of activatable interactive user elements disposed in the pull-down menu

corresponding to one of the listed open document windows (see Applicant's Fig. 1).

However, the admitted prior art fails to explicitly teach including a set of interactive user

elements corresponding to listed open document windows, positioned adjacent to a

corresponding open document window, and an event handler configured to post pre-defined

window manipulation events to inactive open document windows associated with activated ones

of the activatable interactive user elements.

Beaudet teaches a window management system wherein a window list is presented to

the user and through the manipulation of an interactive element allows for window management

operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the listed name of an open document window. Beaudet further teaches an event handler configured to post pre-defined window manipulation events to inactive open document windows associated with activated ones of the activatable interactive user elements, taught as the ability to perform window management operations such as moving, sizing, restoring and closing of windows represented in the window list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of the admitted prior art and Beaudet before him at the time the invention was made to modify the pre-defined window manipulation through pull-down menus of the admitted prior art with the interactive window list control system of Beaudet, in order to obtain a pull-down menu listing windows capable of being operated upon through manipulation of an interactive element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down menu presents a list of windows to the user, as does the window control management system of Beaudet. Therefore, in order to save space on screen and allow for an easily accessible window menu, one would be motivated to combine the admitted prior art and Beaudet.

Regarding claim 5, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a button as the interactive element of Beaudet. Applicant has not disclosed that the use of an interactive button provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore,

would have expected Applicant's invention to perform equally well with the right-click menus of Beaudet because the same functions would be ably performed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Beaudet to obtain the invention as specified in claim 5.

Regarding claim 6, Beaudet has been shown *supra* to teach a close window event associated with an interactive element of the disclosed window management system (see col. 7, lines 45-49).

Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art.

Regarding claim 10, in Applicant's Fig. 1 and on pages 2-3 of the disclosed specification, Applicant allows for a pull-down menu in an activated open document window with a listing of open document windows and corresponding interactive user interface elements (taught as the ability to select a window through the pull-down menu using point-and-click methods), and responsive to the activation of one of the interactive user interface elements, performing a pre-defined window manipulation operation upon an inactive open document window corresponding to the selected interactive user interface element (taught as the change of focus from the active window to the selected inactive window). Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to position a corresponding interactive interface element separately from a related

operating system service. Applicant has not disclosed that positioning a listed operating system service and a corresponding interactive user interface element provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with Applicant's admitted prior art because both perform the listed operating system service when selected. Furthermore, the placing of user-manipulable interface objects such as checkboxes or radio buttons next to a listed item or service, and the subsequent manipulation and selection of that listed item or service are notoriously well-known in the art, and would have been similarly obvious to include in the pull-down menu of Applicant's admitted prior art.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Applicant's admitted prior art to obtain the invention as specified in claim 10.

Regarding claim 11, the admitted prior art teaches generating a window manipulation event in response to the activation of an interactive user interface element (the change of focus after the selection of a window from the pull-down menu). Inherently, the window manipulation event is processed in a message handling routine associated with the activated open document window, and identifies the inactive open document window corresponding to the interactive user interface element, and posts a window manipulation event to the identified inactive open document window, allowing for the focus control change from the active window to the selected inactive window. Inherently, operations performed on windows are operating system services, and thus the admitted prior art teaches performing pre-defined operating system services manipulations.

Response to Arguments

Applicant's arguments filed 8 August 2005 have been fully considered but they are not persuasive.

In response to Applicant's argument that Applicant's admitted prior art fails to teach a "window manipulation operation" (pages 7-10 of the remarks), the Examiner respectfully disagrees. The Examiner believes that the change of focus of a window from inactive to active clearly constitutes a claimed window manipulation operation. As taught by Applicant's admitted prior art, upon the selection of an interactive user interface element (the pull-down menu item associated with an inactive window), the selected inactive window is made active. As there is a clear change in the state of the window, the Examiner believes this to be a window manipulation operation. Applicant notes on page 9 of the remarks that a possible interpretation of the phrase "window manipulation operation" yields an operation that utilizes or changes a window. The Examiner thusly has demonstrated that the change in focus of an inactive window changes the state of that window, and as a result changes the window.

In response to Applicant's argument of page 10 in regards to a focus change of a window already in the forefront of the display, the Examiner notes that claim 1 discloses the limitation "performing a pre-defined window manipulation operation upon **an inactive document window**" (emphasis added). As is well known in the art, most document windows at the forefront of a display are active windows. However, in the case of Applicant's argument, it would appear that window 120D of Fig. 1 is in the forefront of the display and inactive. In this case, the selection of window 120D through pull-down menu 140 would result in a focus change to window 120D, which the Examiner believes to be a window manipulation operation, as discussed above.

In response to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 12 of the remarks), it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight

reasoning. But so long as it takes into account only knowledge which was within the level of

ordinary skill at the time the claimed invention was made, and does not include knowledge

gleaned only from the Applicant's disclosure, such a reconstruction is proper. See *In re*

McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to Applicant's argument that Applicant's prior art and Beaudet fail to disclose

an event handler configured to post pre-defined window manipulation events to inactive open

document windows associated with activated ones of the activatable interactive user elements,

the Examiner has further clarified his position through the rejection above, citing a specific

example in Beaudet.

Applicant's arguments with respect to claims 10 and 11 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Michael Roswell whose telephone number is (571) 272-4055. The

examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
10/24/2005

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER